

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WILLIAM SZYMCAK, STEFAN SCHUELE,
KIM DREHER, MARIO LOPEZ, MELANIE
RIVERA, KATRINA BOYD, ANGELA
GREATHOUSE, CORNELIUS JACKSON,
DAVID SIMONS, LOLITA DILLARD, and
ANNE STEWART, individually and on behalf of
others similarly situated,

Plaintiffs,

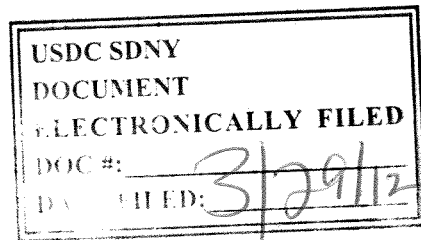
vs.

NISSAN NORTH AMERICA, INC., and
NISSAN MOTOR CO., LTD.,

Defendants.

Civil Action No.: 10-CV- 07493(VLB) ✓

STIPULATION AND ORDER ✓



WHEREAS, on February 28, 2012, Defendant Nissan North America, Inc. (“NNA”) filed with the United States Judicial Panel on Multidistrict Litigation a motion for transfer and consolidation of this action with two other similar actions pending in other federal district courts, pursuant to 28 U.S.C. § 1407 (“the MDL Motion”), requesting the three similar cases be transferred and consolidated in the United States District Court for the Northern District of Texas or, alternatively, to this Court;

WHEREAS, on March 6, 2012, this Court entered the Parties’ Stipulation to extend all then pending deadlines in this action while issues of consolidation among the related actions were addressed (Dkt. #44);

WHEREAS, on March 16, 2012, Plaintiffs filed a Motion to Consolidate this litigation with another pending case styled, *Tim McElroy v. Nissan North America, Inc. and Nissan Motor Co., Ltd.*, Cause No. 1:12-cv-01495, currently pending in Judge

McMahon's court of the Southern District of New York ("*McElroy*") (Dkt. #45);

WHEREAS, the Parties have agreed, in light of NNA's currently pending MDL Motion and the hearing set on April 11, 2012 for Plaintiffs' Motion to Consolidate, that it would be appropriate to further adjourn all currently existing deadlines as set forth in the Parties' March 3, 2012 endorsed Stipulation (Dkt. # 44) and the deadline for Plaintiffs to respond to NNA's Motion to Strike Pursuant to Rule 12(f) and, Alternatively, Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. # 40) until a ruling is issued on NNA's MDL Motion or Plaintiffs' Motion to Consolidate;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Plaintiffs and Defendants, as follows: ✓

1. All deadlines set forth in the Parties' March 3, 2012 endorsed Stipulation (Dkt. # 44) are stayed pending a ruling on NNA's MDL Motion or Plaintiffs' Motion to Consolidate. ✓

2. Plaintiffs' deadline to respond to NNA's Motion to Strike Pursuant to Rule 12(f) and, Alternatively, Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. # 40) is adjourned pending a ruling on NNA's MDL Motion or Plaintiffs' Motion to Consolidate. ✓

3. If necessary, the Parties agree to enter into another Stipulation as to new deadlines for those set forth in the Parties' March 3, 2012 endorsed Stipulation (Dkt. # 44) and as to a briefing schedule for NNA's Motion to Strike Pursuant to Rule 12(f) and, Alternatively, Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. # 40).

Dated: March 22, 2012.

SEDGWICK, LLP

BY:

s/ Nina S. McDonald

E. Paul Cauley, Jr., Esq.

(admitted pro hac vice)

S. Vance Wittie

(admitted pro hac vice)

Nina S. McDonald

(admitted pro hac vice)

Sedgwick, LLP

1717 Main Street, Suite 5400

Dallas, Texas 75201

Tel: 469-227-8200

David Covey, Esq.

Sedgwick, LLP

125 Broad Street, 39th Floor

New York, New York 10004

Tel: 212-422-0202

Attorneys for Defendants

**KANTROWITZ, GOLDHAMER
& GRAIFMAN, P.C.**

BY:

s/ Gary S. Graifman

Gary S. Graifman, Esq.

Kantrowitz, Goldhamer & Graifman, P.C.

747 Chestnut Ridge Road – Suite 200

Chestnut Ridge, NY 10977

Tel: 845-356-2570

Howard T. Longman, Esq.

Stull, Stull & Brody

6 East 45th Street, Suite 500

New York, NY 10017

Matthew R. Mendelsohn, Esq.

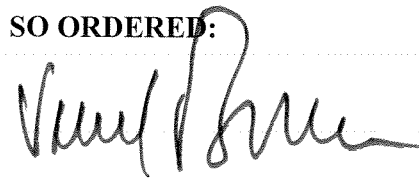
Mazie Slater Katz & Freeman, LLC

103 Eisenhower Parkway, 2nd Fl

Roseland, NJ 07068

Attorneys for Plaintiffs

SO ORDERED:



Hon. Vincent L. Briccetti, U.S.D.J.

*Dated: March 29, 2012
White Plains, NY*